

## **Chapter 13.28**

# **TREES, HEDGES AND SHRUBS**

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### **Part 1**

## **DEFINITIONS**

### **Sections:**

#### **13.28.010 Definitions as used herein.**

13.28.010 Definitions as used herein.

Except where the context requires otherwise, the definitions given in the following subsections shall govern the construction of this chapter:

- A. A “corner lot” means any lot which is bounded on two or more sides by public or private streets.
- B. The term “hedge” shall mean any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line.
- C. An “interior lot” means any lot which is not a corner lot.
- D. “Persons,” as used herein, shall mean any person, firm, association, organization, partnership, business, trust, company or corporation.

- E. The term “park strip” shall mean that area of the street lying between the face of curb and the sidewalk.
- F. The term “planting easement” shall mean an easement in the name of the city for planting trees, shrubs or hedges contiguous to the public right-of-way for vehicular traffic.
- G. The term “public place” shall mean any real property owned by, leased to or under the control of the city of San José.
- H. The term “shrub” shall mean a bush, not a hedge, or a plant more than twelve inches but not more than six feet tall.
- I. A “street” shall mean a public right-of-way owned by the city of San José whose primary function is to carry vehicular traffic and shall also include sidewalks, park strips and tree planting easements.
- J. The term “street tree” means any tree on a street.
- K. The term “tree” shall mean any growing plant exceeding six feet in height, whether planted singly or as a hedge.

(Ords. 21362, 22353.)

## **Part 2**

### **UNIFORM METHOD OF STREET TREE PLANTING**

#### **Sections:**

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**13.28.070 Planting - Permit required.**

**13.28.020 Street tree plan - Preparation - Information included.**

The department of streets and traffic shall prepare a street tree plan upon request of the

city council which shall contain a complete map of the city streets, indicating the species of tree or trees allowed on each such street, and species of trees disapproved for planting on city streets.

(Prior code § 7402; Ords. 21362, 23734.)

#### **13.28.030 Planting plan - Action by city council.**

The director of streets and traffic shall submit said street tree plan to the city council for adoption or modification when requested to do so by city council. If and when the said plan of the department of streets and traffic, in its original or modified form, is adopted by the city council, it shall become the tree planting plan for the city.

(Prior code § 7403; Ords. 21362, 23734.)

#### **13.28.040 Powers and duties.**

The director of streets and traffic shall exercise the powers and duties that are now or may hereafter be imposed upon him or her relating to tree installation, care and removal, except such powers and duties as are vested in other officers or employees by the Charter or the code.

(Prior code § 7404; Ords. 21362, 23734.)

#### **13.28.050 Authority to direct work on trees and shrubs.**

The director of streets and traffic shall direct and superintend all planting, removal, cutting, pruning, trimming or topping of all trees, hedges and shrubs on property owned by the city, except those located in city parklands and in sites for city-owned public buildings in which cases the director of recreation, parks and community services shall exercise such direction and superintendence.

(Prior code § 7405; Ords. 21362, 23734.)

#### **13.28.060 Planting - Conformity with plan and chapter provisions.**

- A. No tree shall hereafter be planted in any city street of said city, except in accordance with this chapter and street tree plan adopted by the city council, and upon permits issued by the director of streets and traffic or contracts for planting street trees approved by the city council.
- B. In the event that the city undertakes to do the actual work of planting and maintaining of trees in any street, the same shall be done or caused to be done by the department of streets and traffic, unless jurisdiction of the work rests with the department of public works in accordance with this chapter and street tree plan adopted by the city council.

(Prior code § 7406; Ords. 21362, 23734.)

**13.28.070 Planting - Permit required.**

No person shall plant or set out any tree on any part of any street within the city without first having obtained a written permit therefor from the director of streets and traffic, or pursuant to a contract for planting approved by the city council setting forth the conditions under which trees may be set out or planted and the kind thereof, and the person obtaining such permit shall comply with all terms and conditions thereof.

(Prior code § 7407; Ords. 21362, 23734.)

**Part 3**  
**MAINTENANCE, REMOVAL AND PROTECTION OF TREES**

**Sections:**

**13.28.080 Interfering with maintenance work or injuring trees prohibited.**

**13.28.090 Diseased trees - Inspection and removal.**

**13.28.100 Tree guards permitted.**

**13.28.110 Moving object on streets - Tree protection requirements.**

**13.28.120 Electrical wires - Placement restrictions.**

**13.28.130 Street tree permit requirements.**

**13.28.140 Posting notice of tree removal.**

**13.28.080 Interfering with maintenance work or injuring trees prohibited.**

- A. No person shall in any way interfere with the city, its employees or contractors engaged in the planting, mulching, pruning, spraying, treating or removing of any tree in the public streets of the city, or in the removing of stone, cement or other substance about the trunk of any tree in any such street.
- B. No person shall, except with written permission of the director of streets and traffic, (a) damage, cut, carve, girdle or injure the bark of any street tree; (b) attach or keep attached any sign, wire, device or injurious material to any such tree or to the guard or stake intended for the protection of such tree; (c) allow any gaseous, liquid or solid substance

or weed killer harmful to such trees to come in contact with the roots, leaves, bark or any part of any such tree; (d) construct concrete, asphalt or brick paving or otherwise fill up the ground area within four feet of any such tree so as to shut off air, light or water from the roots; (e) pile building material or other material about any tree in a street in any manner that will in any way injure such tree; or construct any raised planter around the street tree trunk.

- C. In the erection or repair of a building or structure, the owner thereof shall place such guards around all nearby trees in the street as shall in the opinion of the director of streets and traffic effectively prevent injury to them.

(Prior code § 7408; Ords. 21362, 23734.)

#### **13.28.090 Diseased trees - Inspection and removal.**

The director of streets and traffic may inspect all trees in all streets or cause same to be inspected. Upon discovering that any such trees are infected or infested with plant or animal life or growth, or any insect detrimental to the growth, health or life of such trees, he or she may remove, eradicate or destroy such condition or cause such be done. If any trees in any street are so infected or infested to such a degree that such condition cannot be removed, eradicated or destroyed by the usual means and efforts employed, said director of streets and traffic may remove and destroy any such trees, or cause such removal or destruction to be done.

(Prior code § 7412; 13.28.130; Ords. 21362, 23734.)

#### **13.28.100 Tree guards permitted.**

Tree stakes or guards may be placed around street trees by the department of streets and traffic, by city contractors or by owners of property abutting such trees provided the same are merely placed near such tree for the purpose of protecting or training such trees.

(Prior code § 7409; 13.28.090; Ords. 21362, 23734.)

#### **13.28.110 Moving object on streets - Tree protection requirements.**

No person shall move any building or other object along any street in such manner as to injure any street tree. The director of streets and traffic may, if he or she deems advisable, require any person moving a building or any other object along a street in said city to furnish a bond in an amount sufficient to cover the damage or destruction of street trees.

(Prior code § 7411; Ords. 21362, 23734.)

#### **13.28.120 Electrical wires - Placement restrictions.**

Every person having any wire charged with electricity running through a public street

in the city shall securely fasten such wire so that it will not come in contact with any tree therein; and no person shall, without the written permit of the director of streets and traffic, attach any electric wire, insulator or any device for the holding of any electric wire or for bracing the poles which carry the same to any tree growing or planted upon any public street.

(Prior code § 7413; Ords. 21362, 23734.)

**13.28.130 Street tree permit requirements.**

- A. Except as provided in this section, no person shall trim, prune, cut or remove any street tree except pursuant to a permit from the director of transportation.
- B. The director shall issue a permit to remove a street tree only if at least one of the following criteria is met:
  - 1. The tree is dead or dying.
  - 2. The tree is seriously diseased.
  - 3. The tree is in or creates a hazardous condition.
  - 4. The tree is a detrimental species that is disapproved by the director for planting on the street in the city's street tree plan.
  - 5. The tree interferes with high tension electrical lines and the problem cannot be corrected by topping the tree.
  - 6. The tree has caused extensive concrete damage after the tree has been deep-watered, root-trimmed for several years and the concrete has been repaired several times in the preceding years.
  - 7. The tree has done extensive sewer system damage and created a sewer problem that cannot be resolved by any other reasonable means.
- C. Each permit to remove a street tree shall contain the condition that the permittee purchase and plant, at the permittee's expense, a replacement tree designated by the director.
- D. Notwithstanding the provisions of subsection A. above, no permit shall be required for trimming, pruning or cutting a street tree if all of the following criteria are met prior to any work being performed:
  - 1. The director is provided with evidence, satisfactory to the director, that the person who is contracted to perform the work is licensed to perform the work by the appropriate state agency and has the necessary bond and insurance required by such agency; and

2. The person who will perform the work has warranted to the director's satisfaction that the work will be performed in compliance with the trimming, cutting or pruning standards adopted by the American National Standards Institute (ANSI) A300, Part 1, 2001, as may be revised; and
  3. The person who will perform the work has provided written notice to the director that includes a full description of the work to be performed, the exact location where the work will be performed, and the approximate date(s) that the work will be performed at least one business day prior to the commencement of the work.
- E. Notwithstanding the provisions of subsection A. above, no permit for trimming, pruning or cutting a street tree is required in the event that an emergency situation exists where the immediate trimming, cutting, or pruning of a street tree(s) is necessary to protect the public health, safety or welfare. The person who performs the emergency work must not trim, cut or prune the street tree(s) more than is reasonably required to eliminate the dangerous condition and must provide, within two business days of the completion of the emergency work, notice to the director that includes a full description of the work completed and the exact location where the work was performed.
- F. Notwithstanding the provisions of subsection A. above, no permit shall be required for street tree removal in connection with a city-approved public works project, or a redevelopment agency project.

(Prior code § 7414; 13.28.150; Ords. 21362, 22353, 23734, 26821.)

#### **13.28.140 Posting notice of tree removal.**

- A. Any street tree for which a permit is required pursuant to Section 13.28.130, and the surrounding area, within one hundred and fifty feet on both sides of the tree and on both sides of the street, shall be posted with a notice of proposed removal in accordance with this section, unless the director of transportation determines that such tree poses an immediate danger to persons or property.
- B. The notice shall be in a form prescribed by the director, and shall be posted in a manner prescribed by the director, for a period of not fewer than seven calendar days.
- C. Any resident of the city who wishes to object to the proposed removal may file an objection in writing with the director within seven calendar days of the date the notice was first posted.
- D. The proposed removal may be carried out ten calendar days from the date of posting if no timely written objection is received by the director.
- E. The director shall give any person(s) who file(s) a timely written objection an opportunity to be heard and will thereafter render a written decision regarding the proposed removal.

F. A copy of the director's decision shall be made available to any person who has filed a timely written objection, and such decision will be final.

G. The provisions of this section shall not apply to city-approved public projects, or redevelopment agency projects.

(Prior code § 7416; 13.28.170; Ords. 21362, 22353, 23734, 26754.)

## **Part 4**

### **SIGHT OBSTRUCTIONS, PRUNING, OWNER MAINTENANCE**

#### **Sections:**

**13.28.150** Sight obstructions on private property.

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**13.28.340** Removal or destruction of heritage trees.

**13.28.350** No interference with enforcement of this chapter.

**13.28.360** Failure to give or receive notice.

**13.28.150 Sight obstructions on private property.**

No owner or person in possession of any premises on any corner or interior lot abutting upon a street shall permit the existence of any hedge, shrub, tree, landscaping, mound of earth, or boulders greater than thirty inches in height or limb of a tree less than eighty-four inches in height between the setback lines of such lot as provided in Title 20 of the San José Municipal Code and the street excluding planting easements, which is determined by the director of streets and traffic to obscure and impair the view of intersecting or entering traffic from a street of passing motorists or pedestrians or which impairs the view of the street signs, traffic signs, or any other control devices or signs placed upon the streets for the safety and convenience of the public.

(Ords. 21362, 23734.)

**13.28.160 Notice of existence of obstruction.**

The director of streets and traffic shall give written notice of the existence of an obstruction of the type described in Section 13.28.150 personally to the owner or person in possession of the premises mentioned in said Section 13.28.150 or by mailing a notice, postage prepaid, to the person in possession of such premises or to the owner thereof at his or her last known address as the same appears on the last equalized assessment rolls of the county to remove the sight obstruction by trimming or removing the obstructing hedge, shrub, limb of tree, tree, landscaping or removing or regrading the mound of earth or boulders, as determined necessary by the director of streets and traffic. The director of streets and traffic may require the removal of such hedge, shrub, limb of tree, tree, landscaping or mound of earth or boulders, if trimming or regrading will not adequately remove the sight obstruction. It shall be unlawful for the owner or person in possession of

said premises to neglect or fail to comply with the directions of the director of streets and traffic concerning such obstruction within fourteen days after the service upon him or her of said notice. No permit to remove trees creating a hazard to the public of the type described in Section 13.28.150 shall be required.

(Ords. 21362, 23734.)

#### **13.28.170 Injunction.**

In addition to any remedy provided for herein, or by law for the violation or violations of Sections 13.28.150 and 13.28.160, the city attorney may maintain an action for an injunction to restrain, abate, or to correct or compel the removal of such violation or violations.

(Ord. 21362.)

#### **13.28.180 Sight obstructions, obstructing or dangerous trees or shrubs on streets.**

- A. The director of streets and traffic may inspect any and all trees, shrubs and hedges which are in any street or which, standing on any private property, overhang or project into any such street, to determine whether any of the same, or any part thereof, appears to be dead, liable to fall, dangerous or an obstruction to public pedestrian or vehicular travel on any such street or cause such inspection to be performed.
- B. In case any tree, shrub or hedge in any street, or any tree, hedge or shrub on any private property overhanging or projecting into any such street appears to be dead, liable to fall, dangerous, or an obstruction to such public pedestrian or vehicular travel on any such street, the director of streets and traffic may cut down or cause the same or such parts thereof as are dead, liable to fall, dangerous or an obstruction to such public pedestrian or vehicular travel, to be cut down, and if in any such street, to remove or cause the same or such parts thereof to be removed therefrom.

(Prior code § 7415; 13.28.160; Ords. 21362, 23734.)

#### **13.28.190 Trees - Property owner maintenance responsibility and duty to public.**

- A. The owner of a lot fronting on or adjacent to any portion of a street shall maintain and replace, if necessary, any trees, shrubs, hedges or other landscaping along said street or within the street right-of-way adjacent to his or her property in such nondangerous conditions that the trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of the streets and sidewalks. Said owner shall replace any removed or otherwise missing street trees in accordance with the requirements of Sections 13.28.070 and 13.28.130.B, and shall maintain all street trees so that there is a minimum eight-foot vertical pedestrian clearance from the top of the sidewalk and a minimum thirteen-foot vertical vehicular clearance from the top of the curb to any part of a street tree.

- B. For purposes of this part, maintenance of trees, shrubs, hedges and other landscaping includes, but is not limited to: deep root watering, root pruning, installing root barriers, clearance and structural trimming, fertilizing, pest control, and removal of branches, leaves, and other debris.
- C. Property owners required by this section to maintain and replace, if necessary, trees, shrubs, hedges and other landscaping, shall owe a duty to members of the public using public streets and sidewalks to maintain such trees, shrubs, hedges or other landscaping in a safe and nondangerous condition for users of the public streets and sidewalks.
- D. If any property owner fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a nondangerous condition as required by this section, and any person suffers damage or injury to person or property, the property owner shall be liable for all damages or injuries caused by the failure of the owner to maintain these areas.

(Prior code § 7418; 13.28.180; Ords. 21362, 23389, 26821.)

**13.28.195 Disclosure obligations upon sale or transfer of a residential real property.**

- A. Not less than seven business days before the sale or other transfer of residential real property concludes, a selling or transferring property owner must disclose to the acquiring property owner, on a disclosure form provided by the city, whether the residential real property to be sold or transferred fully complies with the city's street tree maintenance and replacement requirements of Sections 13.28.130.B and 13.28.190.
- B. If the selling or transferring property owner cannot determine whether street trees located on the residential property are substantially in compliance with the approved development permits for the property, or the property's approved development permits are inconclusive as to the requirements for the presence and location of street trees on the property, then the following requirements for the planting and presence of street trees shall apply:
  - 1. The property must have one street tree for any adjacent street if it is an interior lot and at least three street trees if it is a corner lot, unless otherwise modified by the director in the interest of public safety.
  - 2. If the current general plan requirements for street trees on the property differ from the requirements specified in subsection B.1., then the current general plan requirements shall govern the number and location of street trees required on the property at the time of sale or transfer. If the property meets the general plan requirement, then the selling property owner must indicate such compliance with the general plan on the disclosure to the acquiring property owner.
  - 3. All street trees shall be planted in accordance with the requirements of Section 13.28.070.

- C. Upon a written request, the director may grant the selling or transferring property owner an exemption in writing from the requirements of this section if the director determines in the interest of public safety that planting and maintaining street trees on the residential property at the time of sale or transfer is not appropriate. Such an exemption does not run with the land and shall not allow any deviations from the disclosure requirements upon residential real property sales or transfers for future sellers or transferors.

(Ord. 26821.)

#### **13.28.200 Dangerous trees - Notice to trim or remove.**

When any tree, shrub or hedge or any part thereof appears to be dead, is liable to fall, is dangerous, or is an obstruction to public pedestrian or vehicular travel, whether or not the tree, shrub or hedge is on any private property and overhangs or projects into any street or is in any street, the director of streets and traffic may, by notice in writing, notify the owner or person in possession of the property to cut down, trim or remove the tree, shrub or hedge. No permit to cut down, trim or remove such tree, shrub or hedge shall be required.

No such tree standing on any private property shall be removed unless the owner or occupant of such property nearest such tree is given written notice of his or her opportunity within seven days after the giving of such notice to file with the said director his or her objection in writing to such removal and unless the said director duly reviews the objection if such is filed and thereafter approves, in writing, the removal if such objection is not sustained and notifies the owner or occupant of such decision.

(Prior code § 7419; 13.28.190; Ords. 21362, 23734.)

#### **13.28.210 Notice to trim or remove - Delivery.**

The notice mentioned in Section 13.28.200 may be given by delivering a written notice personally to the owner or to the person in possession of the property, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of the county.

(Prior code § 7420; 13.28.2000; Ord. 21362.)

#### **13.28.220 Notice to trim or remove - Contents.**

The notice shall particularly specify what work is required to be done and shall further specify that if the tree, shrub or hedge is not cut down, trimmed, or removed within thirty days after the giving of such notice, the director of streets and traffic shall perform such work or cause same to be done and the cost of the same shall be a lien on the property

upon which such tree, shrub or hedge is located, or on the property which fronts upon the street on which such tree, shrub, or hedge is located.

(Prior code § 7421; 13.28.210; Ords. 21362, 23734.)

#### **13.28.230 Notice to trim or remove - Trees on private property.**

If the tree to be removed is on private property, the notice shall further specify that the owner or occupant of private property nearest such tree may, within seven days after the giving of such notice, file with the director of streets and traffic his or her written objection to such removal; that if such objection is filed, the said director shall duly review the objection and that if such objection is not sustained, the said director shall thereafter approve in writing the removal and shall cause notice of such decision to be given to the owner or person in possession in the manner specified in Section 13.28.210 and that no such tree shall be removed until such review has occurred and decision rendered and notice thereof been given.

(Ords. 21362, 23734.)

#### **13.28.240 Removal of dangerous trees by city.**

- A. If the tree, shrub or hedge is not cut down, trimmed, or removed as required by notice, the director shall perform this work or cause this work to be performed and the affected property may be assessed for the costs incurred in accordance with this part.
- B. In cases of manifest public danger and/or immediate necessity, the director shall perform or cause to be performed the work described in Sections 13.28.180 and 13.28.200 without observance of any notice requirements after which the affected property may be assessed for the costs incurred in accordance with this part.

(Prior code § 7422; 13.28.220; Ords. 21362, 23734, 25264.)

#### **13.28.250 Dangerous trees - Cost of removal by city.**

Upon completion of the work, the director of streets and traffic shall cause notice of the cost thereof to be given in the manner specified in this chapter for the giving of notice to perform the work, which notice shall specify the day, hour and place when the city council will hear and pass upon a report by the director of streets and traffic of the cost of the work, together with any written objections or protests, if any, which may be raised by any person liable to be assessed for the cost of such work.

(Prior code § 7423; 13.28.230; Ords. 21362, 23734.)

#### **13.28.260 Conference with director of streets and traffic.**

The director of streets and traffic may include with the notice of cost, as specified in

Section 13.28.250 hereinabove, additional notice of a conference with the said director. The conference which may be scheduled by the said director upon receipt of the written objection or protest, specified in Section 13.28.250, shall be conducted prior to the council hearing for the purpose of discussion between the property owner and the said director of the costs of the work. Upon the conclusion of the conference, the said director shall note his or her conclusions in the report together with any recommendations for adjustment of the costs of the work.

(Ords. 21362, 23724.)

#### **13.28.270 Removal costs - Assessment against property.**

Upon completion of the work, the director of the department of streets and traffic shall prepare and file with the city council a report specifying the work which has been done, the cost thereof, a description of the real property upon which the tree, shrub or hedge was located or of the real property which fronts upon the street on which such tree, shrub or hedge was located and the assessment against the parcel of land proposed to be levied to pay the cost thereof.

(Prior code § 7424; 13.28.240; Ords. 21362, 23734.)

#### **13.28.280 Hearing on assessment costs.**

Upon the day and hour fixed for the hearing, the city council shall hear and pass upon the report of the director of streets and traffic, together with any written objections which may be raised by any property owner liable to be assessed for the work of cutting down, trimming, or removing any tree, shrub or hedge. Thereupon, the city council may make such modifications in the report as it may deem just, after which, by resolution, the report as submitted or as modified shall be confirmed. The decisions of the city council on all protests and objections shall be final and conclusive.

(Prior code § 7425; 13.28.250; Ords. 21362, 23734.)

#### **13.28.290 Assessment deemed a lien when.**

The cost of cutting down, trimming or removing any tree, hedge or shrub may be assessed by the city council against the parcel of property upon which the same is located, or the parcel of property which fronts upon the street on which such tree, shrub or hedge is located, and such cost so assessed, if not paid within five days after its confirmation by the city council, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid, or until discharged.

(Prior code § 7426; 13.28.260; Ord. 21362.)

#### **13.28.300 Lien - Recordation and collection.**

The city council, after confirmation of the report of the director of streets and traffic, may order a notice of lien to be delivered to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property, and the amount shall be collected, together with all other taxes against the property. Thereafter, the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest, and to the same procedure under foreclosure and sale in case of delinquency, as provided for ordinary city taxes.

(Prior code § 7427; 13.28.270; Ords. 21362, 23734.)

#### **13.28.305 Designated body.**

As an alternative to the procedures set forth in Sections 13.28.250 through 13.28.300, the public hearing before the city council and the imposition of a special assessment lien referenced in those sections may be conducted and imposed by a designated body pursuant to Chapter 1.18 of this Code.

(Ord. 25264.)

#### **13.28.310 Private arrangements for tree trimming or removal.**

The director of streets and traffic may cut down, trim or remove any trees in any street, or remove any trees in any street or which overhang any street, or cause the same to be done, by private arrangement for reimbursement to the fund from which the expenditure by city was made, with the owner of any lot or parcel of land upon which, or fronting upon which the trees are situated.

(Prior code § 7428; 13.28.280; Ords. 21362, 23734.)

#### **13.28.320 Liability limitation.**

Nothing contained in this chapter shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep trees, shrubs and hedges upon said private property, or under his or her control or upon streets in front of or contiguous to such private property, in a safe condition.

(Prior code § 7417; 13.28.290; Ord. 21362.)

#### **13.28.330 Heritage trees.**

Any tree which, because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the city council to have a special significance to the community shall be designated a heritage tree. Such trees shall be placed on a heritage tree list which shall be adopted by the city council by resolution,

which resolution may be amended from time to time to add to or delete certain trees therefrom.

(Ord. 21362.)

**13.28.340 Removal or destruction of heritage trees.**

Any person who unlawfully vandalizes, grievously mutilates, removes or destroys a heritage tree shall incur a civil penalty in the amount of five thousand dollars for each such tree so vandalized, mutilated, removed or destroyed, the collection of which shall be enforced by civil action brought in the name of the city by the city attorney.

(Ord. 21362.)

**13.28.350 No interference with enforcement of this chapter.**

No person shall interfere with or delay the authorized representative of the city from the execution and enforcement of this chapter except as provided by law.

(Ord. 21362.)

**13.28.360 Failure to give or receive notice.**

The failure to post, mail or deliver by personal service any notice required under this chapter or the failure of any person to receive such notice shall not affect the validity of any proceedings or actions taken by the city or its employees, agents or contractors under this chapter.

(Ord. 21362.)